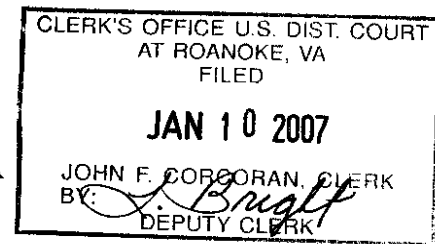


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



JAMES WESLEY MORGAN,  
Petitioner,

v.

GENE M. JOHNSON, DIRECTOR,  
Respondent.

Civil Action No. 7:06CV00652

**FINAL ORDER**

By: Hon. Glen E. Conrad  
United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

**ORDERED**

as follows:

1. The petitioner's motion for summary judgment shall be and hereby is **DENIED**;
2. The respondent's motion to dismiss shall be and hereby is **GRANTED**; and
3. This action shall be and hereby is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner.

ENTER: This 10<sup>th</sup> day of January, 2007.

United States District Judge